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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,783	08/15/2003	Lynn W. D'Amico	F-388-01	1782
919 7590 03/04/2009 PITNEY BOWES INC. 35 WATERVIEW DRIVE P.O. BOX 3000 MSC 26-22 SHELTON, CT 06484-8000				
EXAMINER				
ERB, NATHAN				
ART UNIT		PAPER NUMBER		
3628				
MAIL DATE		DELIVERY MODE		
03/04/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/604,783

Applicant(s)

D'AMICO ET AL.

Examiner

NATHAN ERB

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 and 21 is/are rejected.
- 7) ☒ Claim(s) 1, 8, and 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Applicant's response to Office action was received on December 1, 2008.
3. Please note the new claim objections below in this Office action.
4. Please note the new claim rejections under 35 U.S.C. 112, first paragraph, below in this Office action.
5. In response to Applicant's amendment of the claims, all of the claim rejections under 35 U.S.C. 112, second paragraph, from the previous Office action are hereby withdrawn.
6. In response to Applicant's amendment of the claims, please note the new rejections under 35 U.S.C. 101 below in this Office action.
7. In response to Applicant's amendment of the claims, the corresponding claim rejections have been correspondingly amended below in this Office action.
8. Examiner believes that the amendments to the prior art rejections below in this Office action render Applicant's arguments regarding the prior art rejections to be no longer applicable.
9. **Official Notice Note:** A "traverse" is a denial of an opposing party's allegations of fact. (Definition of Traverse, Black's Law Dictionary, "In common law pleading, a traverse signifies a denial.") The Examiner respectfully submits that applicants' arguments and comments do not appear to traverse what Examiner regards as

knowledge that would have been generally available to one of ordinary skill in the art at the time the invention was made. Even if one were to interpret applicants' arguments and comments as constituting a traverse, applicants' arguments and comments do not appear to constitute an adequate traverse because applicant has not specifically pointed out the supposed errors in the examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art. MPEP 2144.03(C). An adequate traverse must contain adequate information or argument to create on its face a reasonable doubt regarding the circumstances justifying Examiner's notice of what is well known to one of ordinary skill in the art. In re Boon, 439 F.2d 724, 728, 169 USPQ 231, 234 (CCPA1971). If applicant does not seasonably traverse the well-known statement during examination, then the object of the well known statement is taken to be admitted prior art. In re Chevenard, 139 F.2d 71, 60 USPQ 239 (CCPA 1943). MPEP 2144.03 Reliance on Common Knowledge in the Art or "Well Known" Prior Art. In view of applicants' failure to adequately traverse official notice, the following are admitted prior art: "wherein the meter data comprises the average number of mail pieces processed per day by the meter," "it was well-known to one of ordinary skill in the art at the time of Applicants' invention that high-volume mailers may have different needs than low-volume mailers," "wherein computer instructions comprise a text string," and "it was well-known to one of ordinary skill in the art at the time of Applicants' invention that text commands are easier for programmers to work with than binary code."

Claim Objections

10. Claims 1, 8, and 21 are objected to because of the following informalities:
- a. In the third line of claim 1, please replace the word "fist" with --first--.
 - b. In the third line of claim 8, please replace the word "fist" with --first--.
 - c. In the eighth line of claim 21, please replace the word "fist" with --first--.
- Appropriate correction is required.

Claim Rejections - 35 USC § 112

11. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

12. Claims 1-19 and 21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, lines 14-15 of claim 1, lines 14-15 of claim 8, and lines 21-22 of claim 21 refer to translating the first set of usage data using the second set of data collection rules. Examiner has been unable to find adequate support for this element/limitation in the application-as-filed. In Applicant's response, Applicant referred to paragraph [0038] as providing support for this amendment. Paragraph [0038] of Applicant's specification refers to reformatting data in such a situation, but not translating data. Examiner does not believe that "reformatting" and "translating" have equivalent meanings. For example, "reformatting" implies that

the data categories remain the same, but the data is merely rearranged or presenting differently. On the other hand, "translation" seems to have a broader meaning and may imply that data categories are combined to create new categories as required; for example, the total value of first class postage and the total value of second class postage may be added together to present the total value of first and second class postage issued, as opposed to merely changing the order that the total value of first class postage and the total value of second class postage are presented in a data file, as may be the case with reformatting. It is true that the word "translates" appears in paragraph [0037] of Applicant's specification-as-filed; however, here, the data translated is from generic XML data to postal-authority-specific data, as opposed to from data collected under old rules to data collected under new rules. Therefore, these claims are rejected under 35 U.S.C. 112, first paragraph.

Claim Rejections - 35 USC § 101

13. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

14. Claims 1 and 7 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1 and 7 are directed to a series of steps. In order for a series of steps to be considered a proper process under § 101, a claimed process must either: (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials). *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972). Thus, to qualify as patent

eligible, these processes should positively recite the other statutory class to which they are tied (e.g., by identifying the apparatus that accomplishes the method steps), or positively recite the subject matter that is being transformed (e.g., by identifying the product or material that is changed to a different state). Claims 1 and 7 identify neither the apparatus performing the recited steps nor any transformation of underlying materials, and accordingly are directed to non-statutory subject matter.

Claim Rejections - 35 USC § 103

15. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reisinger et al., U.S. Patent No. 6,148,292, in view of Scribner et al., U.S. Patent No. 4,629,871, in further view of Ramachandran et al., U.S. Patent Application Publication No. US 2003/0083998 A1.

As per **Claim 1**, Reisinger et al. discloses:

- a method for collecting usage data for a meter (column 6, line 5, through column 7, line 43);
- storing a first set of usage data in a memory using a first set of data collection rules (column 6, line 5, through column 7, line 43; column 8, lines 10-26; column 16, lines 10-40);
- determining whether the first set of data collection segregation rules are current (column 6, line 5, through column 7, line 43; column 8, lines 10-26; column 16, lines 10-40; for example, when a new carrier is in use);

- processing an update of the first set of data collection segregation rules before collecting a second set of usage data if the first set of data collection segregation rules are not current and not processing an update of the first set of data collection segregation rules before collecting the usage data if the data collection rules are current (column 6, line 5, through column 7, line 43; column 8, lines 10-26; column 16, lines 10-40 ; "new statistics instruction data");

- wherein processing the update includes obtaining a second set of data collection rules (column 6, line 5, through column 7, line 43; column 8, lines 10-26; column 16, lines 10-40).

Reisinger et al. fails to disclose wherein the meter includes a removable UIC and a vault. Scribner et al. discloses wherein the meter includes a removable UIC and a vault (Figure 1; column 3, lines 5-33; column 5, line 47, through column 6, line 2; column 12, lines 52-66; column 19, lines 12-26; modular plug-in circuit panels 101 are the removable UIC; vault may be stored on the card/cartridge). It would have been obvious to one of ordinary skill in the art to modify the invention of Reisinger et al. such that the meter includes a removable UIC and a vault, as disclosed by Scribner et al., since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Reisinger et al. fails to disclose translating the first set of usage data using the second set of data collection rules. Ramachandran et al. discloses translating the first

set of usage data using the second set of data collection rules (paragraphs [0183]-[0192]). It would have been obvious to one of ordinary skill in the art to modify the invention of Reisinger et al. such that it translates the first set of usage data using the second set of data collection rules, as disclosed by Ramachandran et al., since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per Claim 2, Reisinger et al. further discloses determining a meter segment type; and determining whether the data collection segregation rules are current using the meter segment type (column 6, line 5, through column 7, line 43; what carrier is to be used in future mailings can define a meter segment type; new segregation rules may be downloaded for a new carrier).

Reisinger et al. fails to disclose determining whether the UIC and vault must be matched and determining whether the UIC is installed with the matching vault. Scribner et al. discloses determining whether the UIC and vault must be matched (column 3, line 60, through column 4, line 6; column 10, lines 11-37; column 11, line 63, through column 12, line 44; column 14, line 14, through column 15, line 62; attempting to perform the required matching of the UIC and vault necessarily involves determining that the UIC and vault must be matched) and determining whether the UIC is installed with the matching vault (column 3, line 60, through column 4, line 6; column 10, lines

11-37; column 11, line 63, through column 12, line 44; column 14, line 14, through column 15, line 62). Thus, the prior art included each element claimed, although not necessarily in a single reference. One of ordinary skill in the art could have combined the elements as claimed by known methods; for example, there is no apparent physical or technological barrier to installing the above system of Scribner et al. onto the system of Reisinger et al., just as those elements are installed in the overall metering invention of Scribner et al. In combination, each element merely would have performed the same function as it did separately; to explain, the elements of Reisinger et al. would still be keeping the data collection rules updated, and the elements of Scribner et al. would still be validating that the proper UIC is being used with the proper vault. One of ordinary skill in the art would have recognized that the results of the combination were predictable because the various elements, when combined, do not interfere with each other's functions, and the various elements continue to function substantially as they did prior to the combination. Therefore, the invention of claim 2 would have been obvious.

As per Claim 3, Reisinger et al. further discloses wherein the meter segment type is dynamically determined by using meter data (column 6, line 5, through column 7, line 43; new carrier rules are downloaded when it is dynamically determined that they are needed).

As per Claim 4, Reisinger et al. fails to disclose wherein the meter data comprises the average number of mail pieces processed per day by the meter.

However, that element/limitation was well-known to one of ordinary skill in the art at the time of Applicants' invention (average mailpieces processed per day was a well-known indicator of whether a mailer was high-volume). It would have been obvious to one of ordinary skill in the art at the time of Applicants' invention to modify the invention of Reisinger et al. as modified in the rejection for claim 3 such that the meter data comprises the average number of mail pieces processed per day by the meter, as was well-known to one of ordinary skill in the art at the time of Applicants' invention. Motivation is provided in that it was well-known to one of ordinary skill in the art at the time of Applicants' invention that high-volume mailers may have different needs than low-volume mailers.

As per Claim 5, Reisinger et al. further discloses wherein the meter data is stored at a central server (column 6, line 5, through column 7, line 43; column 25, line 36, through column 26, line 25; central server is carrier's data center).

As per Claim 6, Reisinger et al. further discloses wherein: the meter includes an active data collection segregation rules storage system for storing the data collection segregation rules; the meter includes a future data collection segregation rules storage system for storing future data collection segregation rules; and the update of the data collection segregation rules is performed by replacing the data collection segregation rules with the future data collection segregation rules (column 6, line 5, through column

7, line 43; column 7, line 44, through column 8, line 40; claim 10; column 22, lines 1-22; column 32, lines 24-41; rules may be downloaded for future use; rules are updateable).

As per Claim 7, Reisinger et al. further discloses wherein: the data collection segregation rules are used for printing data capture information in a meter indicium (column 11, lines 20-40; column 27, line 66, through column 28, line 9; postmark may contain date; date may also be a statistic to be gathered). Reisinger et al. fails to disclose wherein computer instructions comprise a text string. However, that element/limitation was well-known to one of ordinary skill in the art at the time of Applicants' invention (for example, HTML has text commands). It would have been obvious to one of ordinary skill in the art at the time of Applicants' invention to modify the invention of Reisinger et al. as modified in the rejection for claim 1 such that computer instructions comprise a text string, as was well-known to one of ordinary skill in the art at the time of Applicants' invention. Motivation is provided in that it was well-known to one of ordinary skill in the art at the time of Applicants' invention that text commands are easier for programmers to work with than binary code.

16. Claims 8-10 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reisinger et al. in view of Scribner et al. in further view of Brookner et al., WO 00/52614 (hereinafter referred to as Brookner 1) in further view of Ramachandran et al.

As per Claim 8, Reisinger et al. discloses:

- a method for collecting usage data for a meter (column 6, line 5, through column 7, line 43);
- storing a first set of usage data in a memory using a first set of data collection rules (column 6, line 5, through column 7, line 43; column 8, lines 10-26; column 16, lines 10-40);
- determining whether the first set of data collection segregation rules are current (column 6, line 5, through column 7, line 43; column 8, lines 10-26; column 16, lines 10-40; for example, when a new carrier is in use);
- processing an update of the first set of data collection segregation rules before collecting a second set of usage data if the first set of data collection segregation rules are not current and not processing an update of the first set of data collection segregation rules before collecting the usage data if the data collection rules are current (column 6, line 5, through column 7, line 43; column 8, lines 10-26; column 16, lines 10-40 ; "new statistics instruction data");
- wherein processing the update includes obtaining a second set of data collection rules (column 6, line 5, through column 7, line 43; column 8, lines 10-26; column 16, lines 10-40).

Reisinger et al. fails to disclose wherein the meter includes a removable UIC, the meter includes a vault having a number, determining whether the UIC and vault must be matched, and determining whether the UIC is installed with the matching vault using the number. Scribner et al. discloses wherein the meter includes a removable UIC (Figure 1; column 5, line 47, through column 6, line 2; modular plug-in circuit panels 101 are the

removable UIC), wherein the meter includes a vault having a number (Figure 1; column 3, lines 5-33; column 5, line 47, through column 6, line 2; column 10, lines 11-37; column 12, lines 52-66; column 14, line 14, through column 15, line 62; column 19, lines 12-26; vault may be stored on the card/cartridge), determining whether the UIC and vault must be matched (column 3, line 60, through column 4, line 6; column 10, lines 11-37; column 11, line 63, through column 12, line 44; column 14, line 14, through column 15, line 62; attempting to perform the required matching of the UIC and vault necessarily involves determining that the UIC and vault must be matched), and determining whether the UIC is installed with the matching vault using the number (column 3, lines 5-33; column 3, line 60, through column 4, line 6; column 10, lines 11-37; column 11, line 63, through column 12, line 44; column 14, line 14, through column 15, line 62). Thus, the prior art included each of the above elements claimed, although not necessarily in a single reference. One of ordinary skill in the art could have combined the above elements as claimed by known methods; for example, there is no apparent physical or technological barrier to installing the above system of Scribner et al. onto the system of Reisinger et al., just as those elements are installed in the overall metering invention of Scribner et al. In combination, each element merely would have performed the same function as it did separately; to explain, the elements of Reisinger et al. would still be keeping the data collection rules updated, and the elements of Scribner et al. would still be validating that the proper UIC is being used with the proper vault. One of ordinary skill in the art would have recognized that the results of the combination were predictable because the various elements, when combined, do not

interfere with each other's functions, and the various elements continue to function substantially as they did prior to the combination. Therefore, the combination of the above elements would have been obvious.

Reisinger et al. and Scribner et al. fail to disclose wherein a vault is identified using a serial number of the vault. Brookner 1 discloses wherein a vault is identified using a serial number of the vault (p. 11, lines 20-27). It would have been obvious to one of ordinary skill in the art at the time of Applicants' invention to modify the invention of Reisinger et al. as modified above in this rejection such that a vault is identified using a serial number of the vault, as disclosed by Brookner 1. Motivation is provided by Brookner 1 in that a serial number of a vault can serve the function of identifying the vault (p. 11, lines 20-27).

Reisinger et al. fails to disclose translating the first set of usage data using the second set of data collection rules. Ramachandran et al. discloses translating the first set of usage data using the second set of data collection rules (paragraphs [0183]-[0192]). It would have been obvious to one of ordinary skill in the art to modify the invention of Reisinger et al. such that it translates the first set of usage data using the second set of data collection rules, as disclosed by Ramachandran et al., since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per **Claim 9**, Reisinger et al. further discloses:

- wherein: the meter includes a first memory system (Figure 1a; column 6, line 65, through column 7, line 43; column 9, line 65, through column 10, line 35; column 31, line 58, through column 32, line 13; first memory system here is memory area 16-02);

- the meter includes a second memory system (Figure 1a; column 9, lines 54-64; column 9, line 65, through column 10, line 35; this could be either of the non-volatile memories 5a or 5b, for example);

- determining transaction-data-capture data records using the data collection segregation rules for each transaction (column 6, line 5, through column 7, line 43; column 25, lines 5-20; column 25, lines 36-59);

storing the transaction-data-capture data in the first memory system after each transaction (Figure 1a; column 6, line 65, through column 7, line 43; column 9, line 65, through column 10, line 35; column 25, lines 5-20; column 31, line 58, through column 32, line 13; first memory system here is memory area 16-02).

As per **Claim 10**, Reisinger et al. further discloses wherein the first memory device is a nonvolatile memory system and the second memory device is a nonvolatile memory system (Figure 1a; column 6, line 65, through column 7, line 43; column 9, lines 54-64; column 9, line 65, through column 10, line 35; column 31, line 58, through column 32, line 13; transaction-data-capture data may also be stored in 5a or 5b; first and second memory devices here could be the non-volatile memories 5a and 5b, for example).

As per Claim 17, Reisinger et al. further discloses aggregating transaction records into a data report (column 6, lines 32-64; column 7, lines 49-53).

17. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reisinger et al. in view of Scribner et al. in further view of Brookner 1 in further view of Ramachandran et al. in further view of Thiel, U.S. Patent No. 6,226,626 B1.

As per Claim 11, Reisinger et al. further discloses wherein the second memory device is a flash EEPROM nonvolatile memory system (column 9, line 65, through column 10, line 35). Reisinger et al., Scribner et al., and Brookner 1 fail to disclose wherein the first memory device is a battery-backed CMOS memory system. Thiel discloses a postal franking machine wherein a memory device is a battery-backed CMOS memory system (column 15, line 51, through column 16, line 4). The prior art contained a device which differed from the claimed device by the substitution of some components with other components (here, Reisinger et al. has a more generic "NVM" [Figure 1a, reference number 5a] in place of a battery-backed CMOS memory system). The substituted components and their functions were known in the art (here, as can be seen from Reisinger et al. and Thiel, both general non-volatile memory and battery-backed CMOS memory systems were well-known in the art at the time of Applicants' invention, as well as their functions as computer memory). One of ordinary skill in the art could have substituted one known element for another and the results of the substitution would have been predictable (there is no indication that CMOS does

anything surprising due to being inserted into Applicants' invention). Therefore, the invention of claim 11 would have been obvious.

18. Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reisinger et al. in view of Scribner et al. in further view of Brookner 1 in further view of Ramachandran et al. in further view of Thiel in further view of Keane et al., U.S. Patent No. 6,650,433 B1.

As per Claim 12, Reisinger et al., Scribner et al., Brookner 1, and Thiel fail to disclose wherein the data records are stored using XML. However, Keane et al. discloses wherein the data records are stored using XML (column 12, lines 28-37; column 12, lines 44-65). Therefore, the prior art included each element claimed, although not necessarily in the same reference. One of ordinary skill in the art could have combined the elements as claimed by known methods (in this case, the data from Reisinger et al. could simply have been formatted using XML tags, very much analogous to how the data in Keane et al. would have been formatted). In combination, each element merely would have performed the same function as it did separately (the use of XML to format the data for storage would not interfere with or alter the function of any of the other elements from the other references; the use of XML would have served the same function in Reisinger et al. as it did in Keane et al., that of facilitating data organization and storage). One of ordinary skill in the art would have recognized that the results of the combination were predictable (XML is a widely used language that is

standardized and thus it is predictable what particular XML language will do).

Therefore, the invention of claim 12 would have been obvious.

As per Claim 13, Reisinger et al. further discloses wherein the data records are filtered using an application-specific data filter (column 6, line 5, through column 7, line 43).

19. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reisinger et al. in view of Scribner et al. in further view of Brookner 1 in further view of Ramachandran et al. in further view of Brookner et al., U.S. Patent Application Publication No. US 2003/0097337 A1 (hereinafter referred to as Brookner 2).

As per Claim 14, Reisinger et al., Scribner et al., and Brookner 1 fail to disclose periodically copying the data records from the first memory to the second memory. Brookner 2 discloses periodically copying the data records from the first memory to the second memory (paragraphs [0043]-[0048]). It would have been obvious to one of ordinary skill in the art at the time of Applicants' invention to modify the invention of Reisinger et al. as modified in the rejection for claim 9 such that it periodically copies the data records from the first memory to the second memory, as disclosed by Brookner 2. Motivation is provided by Brookner 2 in that the second memory in that case serves as a secure accessible storage area in the event of a hardware failure (paragraphs [0043]-[0048]).

20. Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reisinger et al. in view of Scribner et al. in further view of Brookner 1 in further view of Ramachandran et al. in further view of Lecarpentier, U.S. Patent No. 5,383,115, in further view of Kara, U.S. Patent No. 6,208,980 B1.

As per **Claim 15**, Reisinger et al., Scribner et al., and Brookner 1 fail to disclose wherein: the data collection segregation rules provide for collection of data to differentiate transactions processed using different posting modes. Lecarpentier discloses wherein: the data collection segregation rules provide for collection of data to differentiate transactions processed using different posting modes (column 1, line 52, through column 2, line 6). Reisinger et al., Scribner et al., Brookner 1, and Lecarpentier fail to disclose wherein different posting modes include transactions processed using automated rating and transactions processed using manual rating. Kara discloses wherein different posting modes include transactions processed using automated rating and transactions processed using manual rating (column 20, lines 35-50). Therefore, the prior art includes each element claimed, although not necessarily in a single reference. One of ordinary skill in the art could have combined the elements as claimed by known methods (any observable statistic could be programmed to be tracked in the system of Reisinger et al.; the determination of whether a transaction is manual or automatic is easy to observe because the metering system must necessarily know what mode it is in, in order to function properly; for example, in automatic mode, the meter must know to use the weight value from the scale, while in the manual mode, the meter

must know to use the weight value from the keyboard; therefore, since the metering system is already necessarily aware of what mode it is in, it is then only a matter of simple data storage to store that information as a statistic; as far as allowing either option for rating, this is simply a matter of programming a computer to accept information from either of two data sources, depending on the mode setting). In combination, each element merely would have performed the same function as it did separately (Lecarpentier's element would still be collecting statistics; Kara's element would still be allowing users multiple options for metering mail; neither Lecarpentier's nor Kara's element would interfere with Reisinger et al.'s ability to collect statistics, Scribner et al.'s matching of the UIC and vault, or Brookner 1's use of a serial number for vault identification). One of ordinary skill in the art would have recognized that the results of the combination were predictable (as stated above, really any simple observable statistic could be programmed to be tracked in Reisinger et al.; programming is very predictable because the computer operates directly based on the commands of the program; as discussed above, any system that allows both automatic and manual rating options must already have access to the automatic versus manual information to be tracked; storing this data is simply more predictable programming; there is no indication that these elements of Lecarpentier and Kara have any surprising results or would operate differently when placed in the environment of Reisinger et al.). Therefore, the invention of claim 15 would have been obvious.

As per **Claim 16**, Reisinger et al., Scribner et al., Brookner 1, and Lecarpentier fail to disclose wherein: manual rating comprises keypad data entry; and automated rating comprises automatically weighing mail pieces. Kara further discloses wherein: manual rating comprises keypad data entry; and automated rating comprises automatically weighing mail pieces (column 18, line 65, through column 19, line 8; column 20, lines 35-50). Therefore, the prior art includes each element claimed, although not necessarily in a single reference. One of ordinary skill in the art could have combined the elements as claimed by known methods (both keypads and scales are common components to attach to metering systems). In combination, each element merely would have performed the same function as it did separately (Kara's keypad and scale would still be providing rating information for metering mail; Kara's elements would not interfere with Reisinger et al.'s ability to collect statistics, Scribner et al.'s matching of the UIC and vault, Brookner 1's use of a serial number for vault identification, or Lecarpentier's ability to collect statistics). One of ordinary skill in the art would have recognized that the results of the combination were predictable (keypad would still enter data that is typed on it; scale would still measure and provide a weight value).

Therefore, the invention of claim 16 would have been obvious.

21. Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reisinger et al. in view of Scribner et al. in further view of Brookner 1 in further view of Ramachandran et al. in further view of Liechti et al., U.S. Patent No. 5,715,164.

As per **Claim 18**, Reisinger et al., Scribner et al., and Brookner 1 fail to disclose determining a unique identifier for the data report. Liechti et al. discloses determining a unique identifier for the data report (column 2, lines 10-26; column 8, line 63, through column 9, line 34; column 9, lines 62-67; column 10, lines 51-58; column 17, lines 44-54; unique identifier here would be the combination of the meter serial number with the meter date and time). Therefore, the prior art includes each element claimed, although not necessarily in a single reference. One of ordinary skill in the art could have combined the elements as claimed by known methods (determining a unique identifier for a meter in this case is simply pulling values for meter number and date/time out of meter system memory and including them in a set of data; these are very common and simple computer-programming manipulations of data). In combination, each element merely would have performed the same function as it did separately (Liechti et al.'s element would still be serving as a way to distinguish the report from other reports; Liechti et al.'s element would not interfere with Reisinger et al.'s ability to collect statistics, Scribner et al.'s matching of the UIC and vault, or Brookner 1's use of a serial number for vault identification). One of ordinary skill in the art would have recognized that the results of the combination were predictable (simple manipulations of data using computer programming commands are typically predictable because computers tend to strictly follow program instructions; so, modifying the computer program in a metering system such that a unique identifier is retrieved from values in memory and included in a data report could be expected to do just that). Therefore, the invention of claim 18 would have been obvious.

As per Claim 19, Reisinger et al. further discloses transmitting the data report to a central server (column 6, lines 32-64; column 7, lines 49-53). Reisinger et al., Scribner et al., and Brookner 1 fail to disclose transmitting the unique identifier to a central server. Liechti et al. further discloses transmitting the unique identifier to a central server (column 2, lines 10-26; column 3, lines 47-56; column 8, line 63, through column 9, line 34; column 9, lines 62-67; column 10, lines 51-58; column 17, lines 44-54; unique identifier here would be the combination of the meter serial number with the meter date and time). Therefore, the prior art includes each element claimed, although not necessarily in a single reference. One of ordinary skill in the art could have combined the elements as claimed by known methods (adding data to a data set that is going to be transmitted is a straightforward matter; it would just require adding a bit more code to the program that generates the data set such that it includes the additional data). In combination, each element merely would have performed the same function as it did separately (Liechti et al.'s element would still be serving the function of informing the data center of the meter number and date/time for the report; Liechti et al.'s element would not interfere with Reisinger et al.'s ability to collect statistics, Scribner et al.'s matching of the UIC and vault, or Brookner 1's use of a serial number for vault identification). One of ordinary skill in the art would have recognized that the results of the combination were predictable (simple manipulations of data using computer programming commands are typically predictable because computers tend to strictly follow program instructions; so, modifying the computer program in a metering

system such that a unique identifier is included in a data report that is to be transmitted to a central server could be expected to do just that). Therefore, the invention of claim 19 would have been obvious.

22. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reisinger et al. in view of Ramachandran et al.

As per Claim 21, Reisinger et al. discloses:

- a postage meter for collecting usage data for a meter (column 6, lines 5-15);
- a processor operatively connected to a first data collection segregation rules memory store, a second data collection segregation rules memory store, a first usage data memory store, and a second usage data memory store (column 6, line 5, through column 7, line 43; column 8, lines 10-26; column 16, lines 10-40);
- the processor configured to perform: storing a first set of usage data in the first usage data memory store using a first set of data collection rules stored in the first data collection segregation rules memory store (column 6, line 5, through column 7, line 43; column 8, lines 10-26; column 16, lines 10-40);
- determining whether the first set of data collection segregation rules are current (column 6, line 5, through column 7, line 43; column 8, lines 10-26; column 16, lines 10-40);
- if the first set of data collection segregation rules are not current, processing an update of the first set of data collection segregation rules before collecting a second set of usage data by storing a second set of data segregation rules in the second data

collection segmentation rules memory store, and not processing an update of the first set of data collection segregation rules before collecting the usage data if the first set of data collection rules are current (column 6, line 5, through column 7, line 43; column 8, lines 10-26; column 16, lines 10-40);

- then, if the first set of data collection segregation rules are updated, then storing additional usage data in the second usage data memory store and, if the first set of data segregation rules are not updated, then storing additional usage data in the first usage data memory store (column 6, line 5, through column 7, line 43; column 8, lines 10-26; column 16, lines 10-40).

Reisinger et al. fails to disclose translating the first set of usage data using the second set of data collection rules. Ramachandran et al. discloses translating the first set of usage data using the second set of data collection rules (paragraphs [0183]-[0192]). It would have been obvious to one of ordinary skill in the art to modify the invention of Reisinger et al. such that it translates the first set of usage data using the second set of data collection rules, as disclosed by Ramachandran et al., since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Conclusion

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Cornell et al., U.S. Patent No. 5,898,785 (has removable UIC and vault matching).
24. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

25. **Examiner's Note:** Examiner has cited particular portions of the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as

well as the context of the passage as taught by the prior art or disclosed by the examiner.

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Erb whose telephone number is (571) 272-7606. The examiner can normally be reached on Mondays through Fridays, 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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